

BEFORE THE  
ILLINOIS COMMERCE COMMISSION

QI JI LIU )  
vs. ) No. 12-0374  
COMMONWEALTH EDISON COMPANY )  
Complaint as to billing and/or )  
charges in Chicago, Illinois. )

Chicago, Illinois

August 28, 2012

Met, pursuant to adjournment, at 1:00 p.m.

BEFORE:

Ms. Jorgenson, Administrative Law Judge

APPEARANCES:

MARK L. GOLDSTEIN, P.C. by

MARK L. GOLDSTEIN

3019 PROVINCE CIRCLE

MUNDELEIN, IL 60060

(847) 949-1340

- and -

COMMONWEALTH EDISON COMPANY

ERIN BUECHLER

440 South LaSalle Street, Suite 3300

Chicago, IL 60605

(312) 394-3866

for Commonwealth Edison Company.

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I N D E X

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Re Re By

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WITNESSES: Direct Cross Direct Cross Examiner

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None.

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NUMBER MARKED FOR ID IN EVIDENCE

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None.

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1 JUDGE JORGENSEN: Pursuant to the direction of  
2 the Illinois Commerce Commission I now call Docket  
3 12-0374. This is the complaint by a Mr. Qi Ji Liu  
4 versus Commonwealth Edison Company.

5 Can I have your name, address and phone  
6 number for the record, please?

7 MR. LIU: My phone number is (312) 225-4401.

8 THE COURT REPORTER: And then your address, I  
9 think she said?

10 MR. LIU: 2913 South Union, Chicago.

11 MR. GOLDSTEIN: For Commonwealth Edison  
12 Company, Mark L. Goldstein, 3019 Province Circle,  
13 Mundelein, Illinois, 60060. My telephone number is  
14 (847) 949-1340, and with me this afternoon is Erin  
15 Buechler of ComEd.

16 JUDGE JORGENSEN: Okay. Mr. Lieu, can you  
17 describe your complaint against ComEd, please?

18 (Whereupon, the witness was duly  
19 sworn.)

20 MR. LIU: Yeah. I submit a formal complaint  
21 already.

22 JUDGE JORGENSEN: Ah-huh.

1 MR. LIU: And two months ago I didn't get --

2 JUDGE JORGENSEN: I'm sorry?

3 MR. LIU: I didn't get an answer, and for two  
4 years, and it's a lot of -- and it's very messy.  
5 It's a big mess.

6 JUDGE JORGENSEN: Okay. Let me tell you a  
7 little bit about our process here. I have your  
8 formal complaint.

9 MR. LIU: Yes.

10 JUDGE JORGENSEN: And what we are doing here  
11 today is just to get a better idea of what is --  
12 has been going on, and to give you an opportunity  
13 to meet and speak with Commonwealth Edison's  
14 counsel to see if you can resolve issues without  
15 having to continue here, and you can -- and then if  
16 we are not -- if you are not able to resolve  
17 differences with Commonwealth Edison, we will  
18 continue discovery, and then eventually we will  
19 have another hearing. And it's what we call an  
20 evidentiary hearing.

21 MR. LIU: Yes.

22 JUDGE JORGENSEN: And that's when you will be

1     able to present your case and bring in any  
2     witnesses and documents to prove your case, and  
3     ComEd will have an opportunity to question you and  
4     your witnesses, and then they will put on their  
5     case, and you will have an opportunity to question  
6     and cross-examine them on their evidence and  
7     witnesses. And that will be an evidentiary hearing  
8     at another date that we will set unless -- you  
9     know, provided you are not able to resolve your  
10    differences with ComEd outside of these hearings.

11           MR. LIU: Yes. Thank you.

12           JUDGE JORGENSEN: Okay.

13           MR. LIU: Yes.

14           JUDGE JORGENSEN: So today I see you have  
15    got -- in your formal complaint you have multiple  
16    accounts that you claim are still open?

17           MR. LIU: Yeah.

18           JUDGE JORGENSEN: And you want those closed?  
19    And the dollar amount, the \$476.93 is -- can you  
20    tell me about that?

21           MR. LIU: So for at least the one and a half a  
22    year, and I -- I already feel from ComEd for each

1 month is the incorrect. And I pay the amount  
2 already, and they still bill me, send me a bill. I  
3 call ComEd. They said, you didn't pay. I said, I  
4 paid. And where is the payment? And they said,  
5 oh, received for your payment. We issue your  
6 refund check already. They said this several  
7 times, all the time, but they didn't issue any  
8 single refund check. They treat me like a fool.  
9 You know, they argue that, you moved. I said, I  
10 didn't move. And then they say, our record says  
11 you moved. I ask them from where to where. I'm  
12 staying in this apartment for four years. I live  
13 in the neighborhood at least 20 years. For four  
14 years I didn't move.

15 JUDGE JORGENSEN: You were four years at one  
16 address? Okay.

17 MR. LIU: Yeah. Four years ago I moved from  
18 South Lowe to South Union, but in this neighborhood  
19 I lived for more than 20 years. They argue, you  
20 moved two years ago. I said, I didn't move. You  
21 cannot argue this with me. They said that, it's on  
22 the record, from Union to Lowe. I said, four years

1     ago I moved from Lowe to Union. You see? They  
2     treat me like a fool. And the -- it's a very  
3     frustrating, and I spend a lot of time. I will  
4     have -- I call ComEd. They say, all of this -- we  
5     issue your refund check. Maybe you receive your  
6     payment, gave back your -- some money. They  
7     didn't.

8             JUDGE JORGENSEN: Okay. So what it sounds  
9     like we need to do is set another date. Did you  
10    want to request -- did you exchange -- you have  
11    contact information, I think?

12            MR. GOLDSTEIN: We can do that, Judge. We can  
13    also provide to Mr. Liu, which I actually attempted  
14    to show him prior to the hearing, his activity  
15    statements, and I am more than happy to provide  
16    that to him right now. I can say that --

17            MR. LIU: I have this already. It's all  
18    incorrect. Incorrect.

19            MR. GOLDSTEIN: We did -- it's my turn, Mr.  
20    Liu. You had your turn, and now it's my turn.  
21    Okay.

22                    We did attempt to try to resolve this

1 matter with Mr. Liu. He was very dissatisfied with  
2 our discussion. All I can say is that, I guess,  
3 our only alternative at the moment is to file a  
4 motion to dismiss, because it's barred by the  
5 statute of limitations. It's beyond the two-year  
6 period, and I guess we intend to file a motion.  
7 And we would like leave of 28 days to file, because  
8 I am going to be on vacation for most of it.

9 MR. LIU: This should be done at least two  
10 months ago, right?

11 JUDGE JORGENSEN: I'm sorry?

12 MR. LIU: I mean, your Honor, I believe I am  
13 entitled to have an answer in writing.

14 MR. GOLDSTEIN: My answer --

15 MR. LIU: It's two years and even in writing,  
16 a lot of the incorrect statements from ComEd. I  
17 need a formal written answer to the complaint.  
18 It's very reasonable, sir. Your Honor, I believe  
19 that.

20 MR. GOLDSTEIN: Obviously, my response is that  
21 the response that he is going to get from the  
22 Company is the motion to dismiss. That will be our



1 response to his complaint, and he can handle that  
2 any way he wishes. He certainly has the right to  
3 reply.

4 JUDGE JORGENSEN: Okay.

5 MR. LIU: Your Honor.

6 MR. GOLDSTEIN: So if we could -- I'm sorry.  
7 Let me add one more thing. If we could set a  
8 briefing schedule for that, I would appreciate it.

9 JUDGE JORGENSEN: Okay. Basically what he is  
10 saying is he is going to -- planning on filing a  
11 motion to dismiss the complaint. You will get the  
12 chance to respond to that.

13 MR. LIU: Yeah.

14 JUDGE JORGENSEN: Okay. In writing. So let's  
15 set some dates for when those will be due, his  
16 filing, and we could set another status --  
17 potentially a status as well.

18 What were you looking at?

19 MR. GOLDSTEIN: I would like 28 days, Judge,  
20 because for the most part I am going to be on  
21 vacation.

22 JUDGE JORGENSEN: So you are looking at

1     October?

2             MR. GOLDSTEIN:   Early October.

3             JUDGE JORGENSEN:   And this is for --

4             MR. GOLDSTEIN:   The filing of the motion to  
5     dismiss.

6             MR. LIU:   Your Honor, may I start a brief  
7     discovery right now?

8             JUDGE JORGENSEN:   You can do discovery -- you  
9     can ask him to -- what are you --

10            MR. GOLDSTEIN:   Mr. Liu, send me a letter  
11     asking for information, and I will attempt to  
12     provide it to you, okay?

13            MR. LIU:   And I'm supposed to file to ICC at  
14     the same time, right?

15            JUDGE JORGENSEN:   No.   Just send the letter to  
16     him requesting what you want, what documents you  
17     need or information you need.

18            MR. GOLDSTEIN:   And I will provide that,  
19     unless I don't have it.

20            MR. LIU:   I believe you will do that.   It's  
21     okay.   I prefer to file it to the ICC and also send  
22     you a copy.

1 JUDGE JORGENSEN: This is just a chance for  
2 you to -- this is a chance for you to get  
3 information from him, what documentation they have  
4 on your account or something. Then if we have an  
5 evidentiary hearing, you will be able to bring in  
6 what documentation you have, and then we can  
7 discuss that then. That's when it's time to put on  
8 a case.

9 MR. LIU: Okay. After they file the motion, I  
10 will see, you know, I file a motion to ask that  
11 ICC, you know, permission to start a short, brief  
12 discovery.

13 MR. GOLDSTEIN: As I said, Judge, if Mr. Liu  
14 sends me a letter requesting information, I will  
15 respond to that.

16 MR. LIU: Yeah. Separately.

17 JUDGE JORGENSEN: Yes. It's --

18 MR. LIU: Yes.

19 JUDGE JORGENSEN: He is also saying he is  
20 going to file a motion to dismiss?

21 MR. LIU: Yes.

22 JUDGE JORGENSEN: And so you know to expect

1       that, and you will have an opportunity to respond.

2               MR. LIU:   Yeah.

3               MR. GOLDSTEIN:   Could I have until  
4       October 5th, Judge, to file that?

5               JUDGE JORGENSEN:   To file the motion?

6               MR. GOLDSTEIN:   Yes.

7               JUDGE JORGENSEN:   Sure.   Okay.   All right.

8                       Mr. Liu, you will have the opportunity  
9       to respond to his motion.

10              MR. LIU:   Yeah.

11              JUDGE JORGENSEN:   Okay.   How long would you  
12     like?   Would you like 28 days, a month?

13              MR. LIU:   Two weeks, three weeks.   I am  
14     prepared.   It's no problem.

15              JUDGE JORGENSEN:   Okay.

16              MR. LIU:   It's straightforward.

17              JUDGE JORGENSEN:   Okay.   Unless there is any  
18     objection, I will just give him another month to  
19     respond.

20              MR. GOLDSTEIN:   That's fine, Judge.

21              JUDGE JORGENSEN:   So he will file his motion  
22     by October 5th, okay?   And I am going to require a

1 response by you by November 5th. I will just give  
2 it a month, one month later, okay, and then --

3 MR. GOLDSTEIN: I will take one week to  
4 respond, Judge.

5 JUDGE JORGENSEN: Okay. To his response, all  
6 right. So the 12th is a holiday for me.

7 MR. GOLDSTEIN: Okay. The 13th?

8 JUDGE JORGENSEN: So we will make it the 13th.

9 MR. LIU: So, your Honor, I am allowed to file  
10 a motion to ask ICC I can start a short, brief  
11 discovery?

12 MR. GOLDSTEIN: That's fine.

13 MR. LIU: It's okay?

14 JUDGE JORGENSEN: Well, you are already -- you  
15 can already request information from him.

16 MR. LIU: Yes, the separate thing, yes.

17 JUDGE JORGENSEN: Okay.

18 MR. LIU: And also I can file a motion, right,  
19 for a short discovery later?

20 JUDGE JORGENSEN: That's fine.

21 MR. LIU: Is that fine?

22 JUDGE JORGENSEN: You can request if you want

1 to -- what are you attempting to file?

2 MR. LIU: I want to save time for everyone.

3 So your time is very valuable, and also my time is  
4 worth something. Since the problem can be solved  
5 two years ago, at least one year and a half ago,  
6 solve it in several minutes, but I talk to a  
7 several employees. They wouldn't do that. You  
8 see.

9 JUDGE JORGENSEN: Okay. I understand what you  
10 are saying, I believe. We are attempting to --  
11 that's what this process is for, is to try and  
12 resolve the issues, and as counsel for ComEd has  
13 stated, you can send a letter to him for any  
14 document requests you need from him regarding your  
15 accounts, and where we are going forward here is he  
16 stated he is going to file a motion to dismiss,  
17 okay, and so then you will need to respond, and I  
18 will be sending out a -- you will get a notice in  
19 the mail with these dates on it.

20 You will need to respond to any motion  
21 by November 5th, and he will have one week to  
22 respond to your response. And then what I am going

1 to do, I think, is set a potential status, okay,  
2 after that date to see just for now, okay?

3 MR. GOLDSTEIN: That's fine, Judge.

4 JUDGE JORGENSEN: Just to see what's going on.  
5 And that's going to be -- why don't we set it --  
6 November. All right. Let's set it for  
7 November 15th at --

8 MR. GOLDSTEIN: Judge, I have got an  
9 evidentiary hearing on that day.

10 JUDGE JORGENSEN: Let's go off the record.

11 (Whereupon, a discussion was had off  
12 the record.)

13 JUDGE JORGENSEN: Okay. After discussion off  
14 the record, we have also scheduled a status to see  
15 where we are on December 4th at 11:00 a.m.

16 Is there anything further we need to  
17 discuss today?

18 MR. GOLDSTEIN: I have nothing else.

19 MR. LIU: So I can request some information  
20 from this gentleman?

21 JUDGE JORGENSEN: Yes.

22 MR. GOLDSTEIN: Yes, you can.

1           MR. LIU:   And also I want to make sure I can  
2   file a motion to start a brief discovery as soon as  
3   possible, you know.

4           MR. GOLDSTEIN:   Let him file whatever he  
5   wants, Judge, and we will respond.

6           JUDGE JORGENSEN:   Okay.   We will continue this  
7   to December 4th, and I will be sending out a notice  
8   with the dates.

9                               (Whereupon, the proceeding has been  
10                             adjourned until December 4th.)

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